

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

NEIL GAIMAN, and
MARVELS AND MIRACLES, LLC,

Plaintiffs,

v.

Case No.: 02-CV-00048-bbc

TODD MCFARLANE,
TODD MCFARLANE PRODUCTIONS, INC.,
TMP INTERNATIONAL, INC.,
MCFARLANE WORLDWIDE, INC., and
IMAGE COMICS, INC.,

Defendants.

PLAINTIFF'S MAY REPORT TO COURT

Pursuant to the Court's March 12, 2010 Opinion and Order, plaintiff Neil Gaiman files this report regarding the status of the accounting of profits ("Accounting") due Gaiman from defendants Todd McFarlane and Todd McFarlane Productions, Inc. ("TMP") (collectively the "McFarlane Defendants").

This month the McFarlane Defendants provided certain basic financial information to Gaiman, and counsel for the Parties conferred several times regarding that information. The McFarlane Defendants have indicated that they will be providing more detailed financial information by the end of next week. The Parties hope that this financial information will enable them to reach stipulations that will streamline the Accountant's work.

This month the Parties also provided memoranda to the Accountant setting forth their positions on the disputed issues that have been identified to this point. Gaiman is requesting a conference call with the Accountant to discuss any questions he may have about the Parties' submissions and any additional information he may need for his analysis.

On May 27, Gaiman filed a motion with the Court to extend the deadline for completing the Accounting. As stated in that motion, the Parties believe that they can have all necessary financial information to the Accountant before the Court's July 17 deadline, with the exception of information relating to the pending motion on derivative characters. However, as indicated in Gaiman's April report to the Court, the Accountant has informed the Parties that, even under the best of circumstances, he does not believe he will complete his work before mid-September.

Dated this 28th day of May, 2010.

s/Jeffrey A. Simmons

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